

**FISHER & PHILLIPS LLP**  
SCOTT M. MAHONEY, ESQ  
Nevada Bar No. 1099  
DAVID B. DORNAK, ESQ.  
Nevada Bar No. 6274  
ALLISON L. KHEEL, ESQ.  
Nevada Bar No. 12986  
300 S. Fourth Street  
Suite 1500  
Las Vegas, NV 89101  
Telephone: (702) 252-3131  
FAX: (702) 252-7411  
[ddornak@fisherphillips.com](mailto:ddornak@fisherphillips.com)  
*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

THE BOARD OF TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS HEALTH AND WELFARE  
TRUST; THE BOARD OF TRUSTEES OF  
THE CONSTRUCTION INDUSTRY AND  
LABORERS JOINT PENSION TRUST; THE  
BOARD OF TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS VACATION TRUST; THE  
BOARD OF TRUSTEES OF SOUTHERN  
NEVADA LABORERS LOCAL 872  
TRAINING TRUST,

Plaintiffs,

vs.

MOHAVE RESTORATION, INC. dba  
SERVICE MASTERS 1<sup>st</sup> RESPONSE, a  
foreign corporation; JEREMIAH L. COX, an  
individual,

Defendants.

---

THE BOARD OF TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS HEALTH AND WELFARE  
TRUST; et al.

Plaintiffs,

Case No.: 2:16-cv-01190-JAD-CWH

**STIPULATION AND  
~~PROPOSED~~ ORDER TO  
EXTEND JOINT PRETRIAL  
ORDER DEADLINE**

(Eighth Request, First Request Since  
the Expiration of Deadline to File  
Dispositive Motions)

1 vs.

2 HANOVER INSURANCE COMPANY, a  
3 New Hampshire insurance company; NORTH  
4 AMERICAN SPECIALTY INSURANCE  
5 COMPANY, a New Hampshire insurance  
6 company; DOES 1 THROUGH 10, and ROE  
7 CORPORATIONS 1 THROUGH 10,  
8 inclusive,

9 Defendants.

10 HANOVER INSURANCE COMPANY, a  
11 New Hampshire Insurance company;

12 Third Party Plaintiff,

13 vs.

14 MOHAVE RESTORATION, INC. dba  
15 SERVICE MASTERS 1<sup>st</sup> RESPONSE, a  
16 foreign corporation; JEREMIAH L. COX, an  
17 individual,

18 Third Party Defendants.

19 IT IS HEREBY STIPULATED AND AGREED, by and between the parties'  
20 counsel of record, that the Joint Pretrial Order Deadline be extended by 21 days to allow  
21 the parties' counsel of record to present the final Settlement Agreement to their  
22 respective clients for approval. The current Joint Pretrial Order Deadline is April 10,  
23 2018. While this is the eighth extension of these deadlines, this is the parties' first  
24 request for an extension of deadlines since the close of discovery and expiration of the  
25 dispositive motion deadline and is not made to delay this matter.

26 Pursuant to Local Rule 26-4, the parties, through their counsel, state the  
27 following:

28 ///

///

///

1           **(a)     *Status of Discovery and Dispositive Motions***

2           The discovery close deadline and dispositive motion deadline have passed. The  
3           Trust Funds and Mohave have not filed dispositive motions in this matter.

4           **(b)     *Reasons the joint pretrial order deadline cannot be satisfied within the***  
5           ***time limits set by the scheduling order***

6           The parties believe a twenty-one (21) day extension on all pending deadlines,  
7           will allow counsel for the parties to circulate the final settlement terms, as agreed upon  
8           between counsel, and obtain final approval from the parties without risk of prejudice to  
9           either party in the event of unforeseen circumstances. The parties believe that there is  
10          good cause for a 21-day extension due to the next official meeting of the Trustees of  
11          the Trust Funds being scheduled for April 18, 2018. The parties anticipate that a final  
12          settlement agreement will not be able to be obtained prior to that meeting, but are  
13          confident that a final settlement agreement and notice of settlement and dismissal of  
14          this matter will be forthcoming.

15          Mohave and Laborers International Union of North America, Local 872 (“Local  
16          872”) have executed a side letter to their collective bargaining agreements, which was  
17          necessary for the completion of settlement of this matter between Mohave and the  
18          Trust Funds. Additionally, Third-Party Plaintiff, Hanover Insurance Company  
19          (“Hanover”), filed a dispositive motion on January 8, 2018 (ECF No. 42).  
20          Subsequently, Hanover and Mohave reached a settlement of the disputes between them  
21          and Hanover’s dispositive motion was withdrawn on March 12, 2018, (ECF No. 52)  
22          and Hanover was dismissed from this matter on April 2, 2018 (ECF No. 54). Both  
23          Mohave and the Trust Funds have agreed to work toward resolving this case without  
24          further litigation and Counsel for both parties have agreed to diligently work toward  
25          obtaining the final approval of the settlement agreement and complete resolution of this  
26          matter in good faith over the next several weeks.

27        ///

28        ///

(c) *Proposed schedule for all remaining deadlines*

The parties state that this request is made for no improper purpose or delay. The new proposed deadlines would be as follows:

**Joint Pretrial Order:** The deadline to file the Joint Pretrial Order in this case shall be extended from April 10, 2018 to **May 1, 2018**.

This is the parties' first request for an extension of deadlines since the expiration of the dispositive motion deadline and is made in good faith and not to delay this matter. Additional time was necessary due to delays caused by obtaining the aforementioned side letter agreement between Mohave and Local 872, and finalizing the settlement agreement between Mohave and Hanover.

Based upon the foregoing, the parties believe there is good cause for the requested extension.

Dated: April 10, 2018

**FISHER & PHILLIPS LLP**

/s/ Allison L. Kheel, Esq.  
ALLISON L. KHEEL, ESQ.  
Nevada State Bar No. 12986  
300 South Fourth Street, Suite 1500  
Las Vegas, Nevada 89101  
Attorneys for Defendants

Dated: April 10, 2018

**THE URBAN LAW FIRM**

/s/ Nathan R. Ring, Esq.  
NATHAN R. RING, ESQ.  
Nevada State Bar No. 12078  
4270 S. Decatur Blvd., Suite A-9  
Las Vegas, Nevada 89103  
Attorneys for Plaintiffs

**ORDER**

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
**U.S. DISTRICT MAGISTRATE JUDGE**

**Dated:** April 11, 2018